

REMARKS:

New claims 8-10 have been added to further define the present invention.

Claims 1-10 are in the case and presented for consideration.

Replacement drawing sheets showing figures 1 to 6 are submitted herewith.

The specification has been amended to correct the noted informality and to overcome the rejection of the claims under 35 U.S.C. § 112.

Claims 1-7 have been amended to further distinguish over the cited prior art and to overcome the objections to the claims.

First Rejection Under 35 U.S.C. § 103(a)

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols US 2003/0199351 in view of Livermore US 1,115,557. The reasons for the rejection are stated at pages 5-7 of the Office Action.

Applicant respectfully traverses the rejection of claims 1 and 2, and claim 1 has been amended to still further distinguish over the cited prior art. It is, therefore, respectfully submitted that independent claim 1, as amended, is patentable over Nichols in view of Livermore for at least the following reasons. Claim 2 depends from claim 1 and is also allowable for the same reasons given below for claim 1.

In determining the differences between the prior art and the claims (the second factual inquiry set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966)), the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983). A

patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 82 USPQ2d 1385, 1397 (2007). Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole" as does disregarding the limitations of an application. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). It is impermissible to ignore the advantages, properties, utilities, and unexpected results flowing from the claimed invention; they are part of the invention as a whole. *In re Chupp*, 816 F.2d 643, 2 USPQ2d 1437 (Fed. Cir. 1987); *Fromson v. Advance Offset Plate*, 855 F.2d 1549, 225 USPQ26 (Fed. Cir. 1985).

Applicant respectfully suggests that a clear and nonobvious distinction becomes apparent when comparing the whole invention found in the present application with the entirety of what is disclosed in Nichols and Livermore. While the references relate to gears, in general, the distinct advantages and properties of the present invention makes the comparison inapposite.

Claim 1 recites elements not present in Nichols. Thus, for example, Nichols does not disclose a sprocket having a peripheral toothed portion which includes a plurality of radial beams. At most, Nichols discloses a sprocket having a singular flange 32, but the singular flange of Nichols is entirely different from the claimed plurality of pocket recesses of the present invention. Nor does Nichols disclose a sprocket having a central portion which includes a plurality of pocket recesses.

Even assuming arguendo, that there was a proper basis for combining the

replacement of loom gear of Livermore with the motorcycle sprocket of Nichols, which there is not, that combination of references would not render claim 1 unpatentable. That is so, because, like Nichols, Livermore does not disclose a peripheral toothed portion which includes a plurality of radial beams. Therefore, the combination of Nichols and Livermore would not provide the claimed plurality of radial beams.

Likewise, because, like Nichols, Livermore does not disclose a plurality of pocket recesses, the combination of Nichols and Livermore would not provide the claimed pocket recesses. Accordingly, the combination of Nichols and Livermore would not provide the claimed plurality of pocket recesses.

Therefore, for the reasons stated above, it is respectfully submitted that claims 1 and 2 are patentable over the combination of Nichols and Livermore.

Second Rejection Under 35 U.S.C. § 103(a)

Claims 3-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols in view of Livermore as applied to claim 2, and further in view of Gapp et al. U.S. 3,685,391. The reasons for this rejection are stated at page 8 of the Office Action.

Applicant respectfully traverses the rejection of claims 3-7 for the same reasons as stated above with respect to the rejection of claims 1 and 2. That is, even assuming arguendo, that Nichols and Livermore could be properly combined, the combined references would still not disclose the claimed plurality of radial beams nor would the combined references disclose the claimed plurality of pocket recesses.

In sum, for the foregoing reasons, claim 1, as amended, is believed to recite patentable subject matter, and allowance of claim 1 is respectfully requested. Claims 2-10 depend from claim 1, respectively, and are also allowable for the same reasons given

above for claim 1.

Applicant has endeavored to make the foregoing response sufficiently complete to permit prompt, favorable action on the subject patent application. In the event that the Examiner believes, after consideration of this response, that the prosecution of the subject patent application would be expedited by an interview with an authorized representative of the Applicant; the Examiner is invited to contact the undersigned at (845) 359-7700.

Applicant respectfully submits that by this Amendment, the application has been placed in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

/PETER C. MICHALOS/
Peter C. Michalos
Reg. No. 28,643
Attorney for Applicants
(845) 359-7700

Dated: May 6, 2008

NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100

Customer No. 21706